

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

March 23, 2011

The Board of Education and the Board of Career and Technical Education met at 4 p.m. in the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, for a special executive session. The following members were present:

Mrs. Eleanor B. Saslaw, President
Mr. David M. Foster, Vice President
Mrs. Betsy D. Beamer
Dr. Billy K. Cannaday, Jr.
Mrs. Isis M. Castro

Mr. David L. Johnson
Mr. K. Rob Krupicka
Dr. Virginia L. McLaughlin
Mrs. Winsome E. Sears

Dr. Patricia I. Wright, Superintendent of
Public Instruction

EXECUTIVE SESSION

Mr. Foster made a motion to go into executive session under *Virginia Code* Section 2.2-3711.A., for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by counsel, specifically, the consideration of withdrawal of textbooks published by Five Ponds Press. The motion was seconded by Mrs. Castro and carried unanimously. The Board went into executive session at 4:07 p.m.

Mr. Foster made a motion that the Board convene in open session. The motion was seconded by Mrs. Castro and carried unanimously. The Board reconvened at 5:55 p.m.

Mr. Foster made a motion that the Board certify, by roll-call vote that to the best of each member's knowledge, (1) only matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed and (2) only the matters identified in the motion to have the closed session were discussed. The motion was seconded by Mrs. Beamer and carried unanimously.

Board's Roll call:

Mrs. Sears – Yes
Mr. Foster – Yes
Dr. Cannaday – Yes

Dr. McLaughlin – Yes
Mrs. Saslaw – Yes
Mrs. Castro – Yes

Mr. Johnson – Yes
Mr. Krupicka – Yes
Mrs. Beamer – Yes

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

March 24, 2011

The Board of Education and the Board of Career and Technical Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, for the regular business session, with the following members present:

Mrs. Eleanor B. Saslaw, President
Mr. David M. Foster, Vice President
Mrs. Betsy D. Beamer
Dr. Billy K. Cannaday, Jr.
Mrs. Isis M. Castro

Mr. David L. Johnson
Mr. K. Rob Krupicka
Dr. Virginia L. McLaughlin
Mrs. Winsome E. Sears

Dr. Patricia I. Wright, Superintendent of
Public Instruction

Mrs. Saslaw called the meeting to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mrs. Saslaw asked for a moment of silence, and Mrs. Sears led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Mrs. Castro made a motion to approve the minutes of the February 17, 2011, minutes of the Board. The motion was seconded by Dr. McLaughlin and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

ANNOUNCEMENT

Mrs. Saslaw announced that Mrs. Beamer is the Board's liaison to the Advisory Board on Teacher Education and Licensure (ABTEL). Mrs. Beamer said that she is honored to represent the Board.

PUBLIC COMMENT

The following persons spoke during public comment:

Charol Shakeshaft	Angela Ciolfi	David Anderson
Dr. Tom Smith	Karen Richardson	Wendell Roberts

ACTION/DISCUSSION ITEMS

Final Review of Proposed Revisions to Virginia School Bus Specifications

Mr. Kent Dickey, deputy superintendent for finance and operations, presented this item. Mr. Dickey's presentation included the following:

- The *Regulations Governing Pupil Transportation*, as approved in January 2004, deleted the sections that detailed the technical specifications for school buses and made them a separate document (*Virginia School Bus Specifications*) that requires periodic approval by the Board of Education. This permits the Department of Education to revise and update the bus specifications more efficiently than would be permitted under the process for revising regulations. It also permits the specifications to be updated more frequently to recognize new practices and technology. The last revisions to the specifications were approved by the Board on September 17, 2009.
- The revised specifications represent changes that are needed at this time, and reflect changes to increase the safety and efficiency of bus components and equipment, to incorporate recommendations from the latest national specifications document, and to provide clarification. Other changes were made for consistency with requirements in the *Regulations Governing Pupil Transportation* and the *Code of Virginia*. None of the proposed changes represent significant deviations from standard industry practices. All of the recommended specifications comply with the safety requirements of the National Highway Traffic Safety Administration.
- The Board accepted proposed school bus specifications for first review at its January 13, 2011, meeting, and they were posted on the Department's Web site for 30 days to provide school divisions and other interested parties the opportunity to review them and offer comments. The first review version of the specifications was developed in consultation with the department's Specifications Committee, which is comprised of pupil transportation representatives from school divisions across the state.

Mrs. Beamer made a motion to approve the proposed *Virginia School Bus Specifications*. The motion was seconded by Mr. Foster and carried unanimously.

Final Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Approve a Cut Score and Implementation Dates for the Praxis Braille Proficiency Test

Mrs. Patty Pitts, assistant superintendent for teacher education and licensure, presented this item. Mr. Rick Cullers with Educational Testing Services was in the audience and available to answer technical questions from Board members. Mr. Cullers worked with the committee on the standard setting studies. Mrs. Pitts' presentation included the following:

- The 2009 Virginia General Assembly enacted the following House Bill 2224, Chapter 202, regarding Braille certification: § 1. *That by December 31, 2009, the Advisory Board on Teacher Education and Licensure, in consultation with the Department for the Blind and*

Vision Impaired, shall make recommendations to the Board of Education and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health regarding the certification of Braille instructors.

- ABTEL's committee on Braille convened July 8 and August 5, 2009. At the meeting on August 5, 2009, Dr. Edward C. Bell, director of the Professional Development and Research Institute on Blindness, Louisiana Technology University, and Mr. Michael Kasey, National Federation of the Blind, met with the committee.
- On September 20-21, 2009, the Advisory Board on Teacher Education and Licensure approved the following recommendation to the Board of Education:

The Advisory Board unanimously recommends to the Board of Education that a reliable, valid, and legally defensible assessment available statewide (to be determined) demonstrating Braille proficiency prescribed by the Virginia Board of Education be required for individuals seeking an initial license with an endorsement in Special Education-Visual Impairments. [The Department of Education shall follow policies and procedures relative to the procurement of such an assessment.] Additionally, contingent upon available funding, opportunities for licensed teachers with the endorsement in Special Education-Visual Impairments will be afforded additional professional development in the teaching of Braille through the Virginia Department of Education and the Department for the Blind and Vision Impaired. The Advisory Board supports the Virginia Board of Education's efforts to include teachers of visual impairments in the *Standards of Quality* funding formula.

- The Board of Education approved the Advisory Board on Teacher Education and Licensure's recommendation on Braille certification in response to the 2009 Virginia General Assembly House Bill 2224 on November 17, 2009.
- At the request of the Advisory Board on Teacher Education and Licensure, a committee was convened on March 29, 2010, to recommend a Braille assessment to be considered as a requirement for individuals seeking an initial license with an endorsement in Special Education-Visual Impairments. After reviewing available assessments, the committee unanimously recommended the Braille Proficiency Test owned by the Texas Education Agency and administered by the Educational Testing Service (ETS). The Braille-only test was developed by the Educational Testing Service for Texas. The state of Mississippi also has adopted this test.
- On April 19, 2010, the Advisory Board on Teacher Education and Licensure voted unanimously to recommend that the Virginia Board of Education approve the Braille Proficiency Test administered by the Educational Testing Service as the required assessment for individuals seeking an initial Virginia license with an endorsement in Special Education-Visual Impairments. The committee's rationale included the following: (1) the Braille Proficiency Test developed by the Educational Testing Service is a reliable, valid, and legally defensible assessment; (2) the test appears to cover the appropriate knowledge and skills for Braille; (3) the test would be available after a state-specific standard setting study; and (4) the test is accessible across the state.

- On July 22, 2010, the Board of Education approved ABTEL's recommendation that the Braille Proficiency Test administered by the Educational Testing Service be the required assessment for individuals seeking an initial Virginia license with an endorsement in Special Education-Visual Impairments. The Board also authorized Department of Education staff to begin the standard-setting process for the test.
- To support the decision-making process for the Virginia Department of Education (VDOE) with regards to establishing a passing score, or cut score, for the Praxis Braille Proficiency Test (0631), research staff from the Educational Testing Service (ETS) designed and conducted a standard setting study. The study also collected content-related validity evidence to confirm the importance of the content specifications for entry-level teachers of students with visual impairments. The standard setting study involved an expert panel comprised of teachers and college faculty. The VDOE recommended panelists with (a) experience with teaching students with visual impairments, either as teachers or college faculty who prepare teachers, (b) proficiency with reading and producing Braille, and (c) familiarity with the skills required of beginning teachers of students with visual impairments.
- The Praxis Braille Proficiency *Test at a Glance* document (ETS, 2010) describes the purpose and structure of the assessment. The assessment measures whether entry-level teachers of students with visual impairments have the level of Braille proficiency believed necessary for competent professional practice. The four-hour assessment contains 25 multiple-choice questions and four constructed-response questions and covers reading and producing contracted and uncontracted literary Braille and Nemeth Code. The maximum total number of raw-score points that may be earned is 36. The reporting scale for the Praxis Braille Proficiency Test (0631) ranges from 100 to 200 scaled-score points.
- For the Praxis Braille Proficiency Test (0631), the panel's cut score recommendation is 24.70. The value was rounded to the next highest whole number to determine the functional recommended cut score, 25. The value of 25 represents approximately 69 percent of the total available 36 raw-score points that could be earned on the assessment. The scaled score associated with 25 raw points is 168.
- Texas commissioned the development of this assessment. Texas based their passing score on 25 raw points out of a possible 36 points. On the Praxis scale, this would correspond to a scaled score of 168. The only other state using the assessment, Mississippi, has a scaled cut score of 158.
- On January 24, 2011, the Advisory Board for Teacher Education and Licensure (ABTEL) recommended that the Board of Education set a passing score of 168 for the Praxis Braille Proficiency Test (0631) for individuals seeking an initial license with an endorsement in Special Education-Visual Impairments. ABTEL also recommended that the implementation date for the assessment be July 1, 2011, except for individuals completing the approved Virginia Visual Impairments Consortium program who must meet the assessment requirement beginning July 1, 2012.

Mrs. Castro made a motion to approve the Advisory Board on Teacher Education and Licensure's recommendations to (1) set a passing score of 168 for the Praxis Braille Proficiency

Test for individuals seeking an initial Virginia license with an endorsement in Special Education-Visual Impairments and (2) establish the implementation date for the assessment as July 1, 2011, except for individuals completing the approved Virginia Visual Impairments Consortium program who must meet the assessment requirement effective July 1, 2012. The motion was seconded by Dr. Cannaday and carried unanimously.

Table 1

Cut Scores within 1 and 2 SEMs of the Recommended Cut Score – Virginia – Braille

Recommended Cut Score (SEM)	Scaled Score Equivalent	
	25 (2.49)	168
-2 SEMs	21	155
-1 SEM	23	162
+1 SEM	28	179
+2 SEMs	30	186

Note: Consistent with the recommended cut score, the cut scores at the different SEMs have been rounded to the next highest whole number.

Final Review of a Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Approve a Cut Score for the Praxis Technology Education Assessment

Mrs. Pitts presented this item which included the following:

- The responsibility for teacher licensure is set forth in section 22.1-298.1 of the *Code of Virginia*, which states that the Board of Education shall prescribe by regulation the requirements for licensure of teachers. The *Licensure Regulations for School Personnel* (September 21, 2007) 8VAC20-22-40 (A) state, in part, that "...all candidates who hold at least a baccalaureate degree from a regionally accredited college or university and who seek an initial Virginia teaching license must obtain passing scores on professional teacher's assessments prescribed by the Board of Education."
- The Board of Education prescribes the Praxis II (subject area content) examinations as the professional teacher's assessment requirements for initial licensure in Virginia. The Board originally approved cut scores on 16 subject content tests that became effective July 1, 1999. Subsequently, the Board adopted additional content knowledge tests as they were developed by the Educational Testing Service (ETS). Virginia teachers and teacher educators participated in validation and standard setting studies guided by ETS personnel to ensure an appropriate match between Praxis II tests and the competencies set forth in Virginia's regulations, as well as the K-12 *Standards of Learning*.
- To support the decision-making process for the Virginia Department of Education with regards to establishing a passing score, or cut score, for the Praxis Technology Education Assessment (0051), research staff from Educational Testing Service (ETS) designed and conducted a standard setting study on November 16, 2010. The study also collected content-related validity evidence to confirm the importance of the content specifications for entry-level technology education teachers.

- The study involved an expert panel comprised of teachers, administrators and college faculty. The VDOE recommended panelists with (a) technology education experience, either as technology education teachers or college faculty who prepare technology education teachers, and (b) familiarity with the knowledge and skills required of beginning technology education teachers.
- The Praxis Technology Education *Test at a Glance* document (ETS, in press) describes the purpose and structure of the assessment. In brief, the assessment measures whether entry-level technology education teachers have the knowledge believed necessary for competent professional practice. A National Advisory Committee of expert practitioners and preparation faculty defined the content of the assessment, and a national survey of the field confirmed the content.
- The two-hour assessment contains 120 multiple-choice questions covering *Technology and Society* (approximately 18 questions); *Technological Design and Problem Solving* (approximately 24 questions); *Energy, Power, and Transportation* (approximately 18 questions); *Information and Communication Technologies* (approximately 18 questions); *Manufacturing and Construction Technologies* (approximately 18 questions); and *Pedagogical and Professional Studies* (approximately 24 questions). Candidate scores are reported as an overall score; six category scores – one for each content area listed above – also are reported. Of the 120 multiple-choice questions, 110 questions contribute to a candidate's score. (Ten of the 120 multiple-choice questions are pretest questions which do not contribute to a candidate's score.) The maximum total number of raw points that may be earned on each assessment is 110. The reporting scale for the Praxis Technology Education Assessment (0051) ranges from 100 to 200 scaled-score points.
- The panel's cut score recommendation for the Praxis Technology Education Assessment (0051) is 74.96. The value was rounded to 75, the next highest whole number, to determine the functional recommended cut. The value of 75 represents approximately 68 percent of the total available 110 raw-score points that could be earned on the assessment. The scaled score associated with 75 raw points is 162.
- The recommended cut scores for each panel, as well as the average cut score across the two panels, are provided to help state departments of education determine an appropriate cut (or passing) score. For the Praxis Technology Education Assessment (0051), the average recommended cut score (rounded up) is 73 (on the raw score metric), which represents 66 percent of the total available 110 raw score points (the recommended cut scores for Panels 1 and 2 are 72 and 74, respectively). The scaled score associated with a raw score of 73 is 159.
- When reviewing the Standard Error of Measurement (SEM) for the cut scores recommended by the Virginia Standard Setting Study as well as the Multi-State Studies, there is an overlap in the scaled scores. The SEM is a statistical phenomenon and is unrelated to the accuracy of scoring. All test results are subject to the standard error of measurement. If a test-taker were to take the same test repeatedly, with no change in his level of knowledge and preparation, it is possible that some of the resulting scores would be slightly higher or slightly lower than the score that precisely reflects the test-taker's actual level of knowledge and ability. The difference between a test-taker's actual score and his highest or lowest hypothetical score is known as the standard error of measurement. The Standard Error of Measurement for the recommended cut scores for the Virginia Standard Setting Study and the Multi-State Studies

are shown below. Note that consistent with the recommended cut score, the cut scores at the different SEMs have been rounded to the next highest whole number.

Standard Error of Measure Summaries – Technology Education (0051)

Table 1

Cut Scores within 1 and 2 SEMs of the Recommended Cut Score
Technology Education – Virginia

Recommended Cut Score (SEM)		Scale Score Equivalent	
	75 (4.91)	162	
-2 SEMs	66		150
-1 SEM	71		156
+1 SEM	80		168
+2 SEMs	85	175	

Table 2

Cut Scores within 1 and 2 SEMs of the Recommended Cut Score
Technology Education – Multi-State Studies

Panel 1:

Recommended Cut Score (SEM)		Scale Score Equivalent	
	72 (5.01)	158	
-2 SEMs	62		145
-1 SEM	67		151
+1 SEM	78		166
+2 SEMs	83	172	

Panel 2:

Recommended Cut Score (SEM)		Scale Score Equivalent	
	74 (4.94)	160	
-2 SEMs	65		149
-1 SEM	70		155
+1 SEM	79		167
+2 SEMs	84	173	

Combined Across Panels:

Recommended Cut Score (SEM)		Scale Score Equivalent	
	73 (4.98)	159	
-2 SEMs	64		147
-1 SEM	69		154
+1 SEM	78		166
+2 SEMs	83	172	

Note: Consistent with the recommended cut score, the cut scores at the different SEMs have been rounded to the next highest whole number.

Mrs. Beamer made a motion to approve the Advisory Board on Teacher Education and Licensure's recommendation and adopt a cut score of 162 for the Praxis Technology Education Assessment (0051) for individuals seeking an initial Virginia license with an endorsement in Technology Education. The motion was seconded by Mr. Foster and carried unanimously. The revised assessment will be offered after September 1, 2011.

Final Review of a Recommendation of the Advisory Board on Teacher Education and Licensure to Approve a Cut Score on the Praxis Art: Content Knowledge Assessment

Mrs. Pitts presented this item and it included the following:

- The responsibility for teacher licensure is set forth in section 22.1-298.1 of the *Code of Virginia*, which states that the Board of Education shall prescribe by regulation the requirements for licensure of teachers. The *Licensure Regulations for School Personnel* (September 21, 2007) 8VAC20-22-40 (A) state, in part, that "...all candidates who hold at least a baccalaureate degree from a regionally accredited college or university and who seek an initial Virginia teaching license must obtain passing scores on professional teacher's assessments prescribed by the Board of Education."
- The Board of Education prescribes the Praxis II (subject area content) examinations as the professional teacher's assessment requirements for initial licensure in Virginia. The Board originally approved cut scores on 16 subject content tests that became effective July 1, 1999. Subsequently, the Board adopted additional content knowledge tests as they were developed by the Educational Testing Service (ETS). Virginia teachers and teacher educators participated in validation and standard setting studies guided by ETS personnel to ensure an appropriate match between Praxis II tests and the competencies set forth in Virginia's regulations, as well as the K-12 *Standards of Learning*.
- To support the decision-making process for the Virginia Department of Education with regards to establishing a passing score, or cut score, for the Praxis Art: Content Knowledge Assessment (0134), research staff from Educational Testing Service (ETS) designed and conducted a standard setting study. The study also collected content-related validity evidence to confirm the importance of the content specifications for entry-level art teachers.
- The study involved an expert panel comprised of teachers, administrators and college faculty. The VDOE recommended panelists with (a) art education experience, either as art teachers or college faculty who prepare art teachers, and (b) familiarity with the knowledge and skills required of beginning art teachers.
- The *Praxis Art: Content Knowledge Test at a Glance* document (ETS, in press) describes the purpose and structure of the assessment. In brief, the assessment measures whether entry-level art teachers have the knowledge believed necessary for competent professional practice. A National Advisory Committee of expert practitioners and preparation faculty defined the content of the assessment, and a national survey of the field confirmed the content.
- The two hour assessment contains 120 multiple-choice questions covering *Art Making – General* (approximately 15 questions); *Art Making – Media & Processes* (approximately 61 questions); *Materials & Processes in a Historical Context and Responding to Art* (approximately 17 questions); and *Western Tradition and Beyond the Western Tradition* (approximately 27 questions).
- Candidate scores are reported as an overall score; four category scores – one for each content area listed above – also are reported. Of the 120 multiple-choice questions, 110 questions contribute to a candidate's score. (Ten of the 120 multiple-choice questions are

pretest questions which do not contribute to the candidate's score.) The maximum total number of raw points that may be earned on each assessment is 110. The reporting scale for the Praxis Art: Content Knowledge Assessment (0134) ranges from 100 to 200 scaled-score points. The first national administration of the Praxis Art: Content Knowledge Assessment will occur in fall 2011.

- The panel's cut score recommendation for the Praxis Technology Education Assessment (0051) is 74.96. The value was rounded to 75, the next highest whole number, to determine the functional recommended cut. The value of 75 represents approximately 68 percent of the total available 110 raw-score points that could be earned on the assessment. The scaled score associated with 75 raw points is 162.
- A similar process was used in the multi-state standard setting studies. The average recommended cut score recommendations for the Praxis Art: Content Knowledge Assessment (rounded up) is 72 (on the raw score metric), which represents 65 percent of the total available 110 raw score points (the recommended cut scores for Panels 1 and 2 are 73 and 71, respectively). The scaled score associated with a raw score of 72 is 158.
- When reviewing the Standard Error of Measurement (SEM) for the cut scores recommended by the Virginia Standard Setting Study as well as the Multi-State Studies, there is an overlap in the scaled scores. The SEM is a statistical phenomenon and is unrelated to the accuracy of scoring. All test results are subject to the standard error of measurement. If a test-taker were to take the same test repeatedly, with no change in his level of knowledge and preparation, it is possible that some of the resulting scores would be slightly higher or slightly lower than the score that precisely reflects the test-taker's actual level of knowledge and ability. The difference between a test-taker's actual score and his highest or lowest hypothetical score is known as the standard error of measurement. The Standard Error of Measurement for the recommended cut scores for the Virginia Standard Setting Study and the Multi-State Studies are shown below. Note that consistent with the recommended cut score, the cut scores at the different SEMs have been rounded to the next highest whole number.

Standard Error of Measure Summaries -- Art: Content Knowledge (0134)

Table 1

Cut Scores within 1 and 2 SEMs of the Recommended Cut Score
Art: Content Knowledge -- Virginia

Recommended Cut Score (SEM)		Scale Score Equivalent
	69 (5.11)	154
-2 SEMs	59	141
-1 SEM	64	147
+1 SEM	75	162
+2 SEMs	80	168

Table 2

Cut Scores within 1 and 2 SEMs of the Recommended Cut Score
Art: Content Knowledge -- Multi-State Studies

Panel 1:

	Recommended Cut Score (SEM)	Scale Score Equivalent
	73 (4.98)	159
-2 SEMs	64	147
-1 SEM	69	154
+1 SEM	78	166
+2 SEMs	83	172

Panel 2:

	Recommended Cut Score (SEM)	Scale Score Equivalent
	71 (5.04)	156
-2 SEMs	61	144
-1 SEM	66	150
+1 SEM	77	164
+2 SEMs	82	171

Combined Across Panels:

	Recommended Cut Score (SEM)	Scale Score Equivalent
	72 (5.01)	158
-2 SEMs	62	145
-1 SEM	67	151
+1 SEM	78	166
+2 SEMs	83	172

Note. Consistent with the recommended cut score, the cut scores at the different SEMs have been rounded to the next highest whole number.

Dr. Cannaday made a motion to approve the Advisory Board on Teacher Education and Licensure's recommendation and adopt a cut score of 158 for the Praxis Art: Content Knowledge Assessment (0134) for individuals seeking an initial license with an endorsement in Visual Arts PreK-12. The motion was seconded by Dr. McLaughlin and carried unanimously. The revised assessment will be offered after September 1, 2011.

Final Review of Recommended Cut Scores for the Grade 3, Virginia Studies, U. S. History to 1865, U. S. History: 1865 to the Present, and Civics and Economics Standards of Learning Tests Based on the 2008 History Standards

Mrs. Shelley Loving-Ryder, assistant superintendent, division of student assessment and school improvement, presented this item. Mrs. Loving-Ryder said that in 2010-2011 new Standards of Learning (SOL) tests measuring the 2008 history content standards will be administered. Because of the changes in the content measured by these tests, new passing scores must be adopted by the Virginia Board of Education.

Consistent with the process used in 1998 and in 2003, committees of educators were convened to recommend to the Board of Education (BOE) minimum "cut" scores for the achievement levels of pass/proficient and pass/advanced for the new tests. Committees for the

Grade 3, Virginia Studies, U.S. History to 1865, U. S. History: 1865 to the Present, and Civics and Economics SOL tests met in early February. Mrs. Loving-Ryder presented information about the range of cut scores recommended by the committees for the achievement levels of pass/proficient and pass/advanced for the Grade 3, Virginia Studies, U.S. History to 1865, U. S. History: 1865 to the Present, and Civics and Economics SOL tests to the Board for review.

Mr. Krupicka made a motion to adopt cut scores representing the achievement levels of pass/proficient and pass/advanced for the Grade 3, Virginia Studies, U. S. History to 1865, U. S. History: 1865 to the Present, and Civics and Economics SOL tests as follows:

- ✓ Grade 3: 23 for pass/proficient and 35 for pass/advanced as recommended by the Articulation Committee
- ✓ Virginia Studies: 21 for pass/proficient and 32 for pass/advanced as recommended by the Articulation Committee
- ✓ U.S. History to 1865: 22 for pass/proficient and 34 for pass/advanced as recommended by the Articulation Committee
- ✓ U.S. History: 1865 to the Present: 22 for pass/proficient and 34 for pass/advanced as recommended by the Articulation Committee
- ✓ Civics and Economics: 21 for pass/proficient as recommended by the Articulation Committee and 34 for pass/advanced based on the rounded results of the Round 3 results of the standard setting committee

The motion was seconded by Mrs. Castro and carried unanimously.

Final Review of Guidelines to Implement the Provisions of Section 22.1-302(A) of the Code of Virginia Pertaining to the Employment of Substitute Teachers

Mrs. Pitts presented this item. Mrs. Pitts' presentation included the following:

- A committee was established to recommend guidelines to the Board of Education to implement the provisions of Section 22.1-302 (A) of the *Code of Virginia* pertaining to the employment of substitute teachers. The committee was composed of Dr. Kitty Boitnott, president of the Virginia Education Association; Ms. Charla Cordle, assistant superintendent of human resources, Hanover County Schools; Mrs. Tracey Dingus, chair of the Advisory Board on Teacher Education and Licensure; Dr. Howard Ben Kiser, superintendent of Gloucester County Schools and member of the Board of Directors of the Virginia Association of School Superintendents; Dr. Judi N. Swingen, personnel administrator for licensure, Chesterfield County Schools; Ms. Barbara Warren-Jones, assistant director of human resources, Hampton City Schools, and immediate past-president of the Virginia Association of School Personnel Administrators; and Department of Education staff.

Mr. Foster made a motion to approve the proposed *Guidelines to Implement the Provisions of Section 22.1-302(A) of the Code of Virginia Pertaining to the Employment of Substitute Teachers*. The motion was seconded by Mrs. Beamer and carried unanimously. The guidelines are as follows:

***Guidelines to Implement the Provisions of Section 22.1-302(A) of the
Code of Virginia Pertaining to the Employment of Substitute Teachers***

Introduction

Section 22.1-302 of the *Code of Virginia* was amended in the 2010 Virginia General Assembly to allow the Superintendent of Public Instruction on a case-by-case basis, during one school year to approve an extension of the 90-teaching-day restriction for substitute teachers in a teacher vacancy. The *Code* section, in part, states the following:

§ 22.1-302. Written contracts required; execution of contracts; qualifications of temporarily employed teachers; rules and regulations.

- A. A written contract, in a form prescribed by the Board of Education, shall be made by the school board with each teacher employed by it, except those who are temporarily employed, before such teacher enters upon his duties. Such contract shall be signed in duplicate, with a copy thereof furnished to both parties. A temporarily employed teacher, as used in this section, shall mean (i) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence, or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, *unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.*
- B. The Board of Education shall promulgate regulations regarding temporarily employed teachers, as defined in this section, which shall provide that such teachers be at least eighteen years of age and that they hold a high school diploma or a general educational development (GED) certificate.

However, local school boards shall establish employment qualifications for temporarily employed teachers which may exceed the Board's regulations for the employment of such teachers. School boards shall also seek to ensure that temporarily employed teachers who are engaged as long-term substitutes shall exceed baseline employment qualifications.

The General Assembly further requested that the Board of Education develop guidelines to implement provisions of subsection A of Section 22.1-302 pertaining to the employment of substitutes for longer than 90 teaching days during one school year, no later than July 1, 2011.

Guidelines

An individual (temporarily employed teacher) may be employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year. In a rare exceptional and justifiable case due to extenuating circumstances, a school division superintendent may submit a request to the Superintendent of Public Instruction to consider an extension of the teaching days a substitute teacher may serve in a vacant teaching position.

The letter of request to the Superintendent of Public Instruction must be submitted and signed by the division superintendent. The letter for the exception must include the following information:

1. Date of the teacher vacancy;
2. Justification of efforts made to fill the position, including timelines (such as, when and where the position was advertised);
3. Candidate pool (such as, the number of qualified/acceptable candidates, whether a qualified candidate declined offer of employment, etc.);
4. Full name of the substitute teacher, license number (if applicable), name of school assigned, title of class(es)/grade level(s)/assignment(s); and

5. Qualifications of the temporarily employed teacher (substitute teacher):
 - A. Documentation that the substitute teacher holds or is eligible to hold a Virginia teaching license in the assigned teaching area/content, **or**
 - B. Documentation of the following:
 - (1) Educational level [For a request to be considered, the substitute teacher must have an earned baccalaureate degree from a regionally accredited college or university except in cases where an individual is assigned to a technical professional (occupational) area that does not require a bachelor's degree (i.e., Technical Professional License). If the individual is assigned as a substitute teacher in a technical professional area, the documentation needs to include verification of the occupational experience and, if applicable, a copy of the Virginia license (such as a nursing license or a cosmetology license) to practice in that field.];
 - (2) Content knowledge and expertise in teaching area assigned; and
 - (3) Teaching experience (prior substitute and/or teaching experience).

The Superintendent of Public Instruction will respond within 10 business days of receipt of the request. If the division has not received the response within this time frame, it is the responsibility of the requesting school division to contact the Department of Education to inquire about the status of the request.

Final Review of Virginia's Proposed Revised Textbook Review Process

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger's presentation included the following:

- On February 17, 2011, the Virginia Board of Education accepted for first review Virginia's Proposed Revised Textbook Review Process. Changes have been proposed as a result of Board and stakeholder input, including comments and suggestions from the Association of American Publishers, Inc.
- The proposed process places primary responsibility on publishers to ensure the accuracy of their textbooks. Publishers must certify that textbooks submitted for approval have been thoroughly examined and reviewed by qualified content experts for factual accuracy and must list all authors/editors and their credentials. Publishers must list the professional credentials for at least three content review experts who have thoroughly examined each textbook for content accuracy. Also, the publisher must certify that each textbook has been thoroughly examined and reviewed by qualified editors for typographical errors and errors in grammar, written expression, spelling, formatting, and other substantive elements that may affect student learning. The publishers must also sign an agreement that if factual or editing errors are identified in a publisher's textbook, the publisher must submit a corrective action plan to the Department of Education for review and approval by the Board of Education. All corrective action plans must be approved by the Board of Education, or the Board may delegate the approval of action plans to the superintendent of public instruction. Publishers must execute corrective action plans at their own expense.
- Department of Education staff will review all textbook publishers' certifications and agreements. Any concerns will be addressed by Department staff with the appropriate

publisher. A certification or agreement that is not completed correctly, is lacking in sufficient information, or is not signed by the appropriate representative, may result in the textbook(s) being removed from consideration for review.

- After the textbook approval takes place, the public can provide ongoing feedback to the Department regarding any inaccuracies found in an approved textbook. An electronic mailbox will be established for this purpose. Department staff will inform publishers of any errors identified. Publishers will be given the opportunity to contest the errors and/or propose a corrective action plan for approval by the Board. If numerous and/or significant errors are identified in a textbook on the Board of Education's approved list, the Board may, in its sole discretion, withdraw the textbook from the approved list.

Mr. Foster made a motion that the Board of Education adopt Virginia's revised textbook review process and that it be used for all future textbooks brought to the Board for approval. The motion was amended to substitute for paragraphs 1 through 3 of "Textbook Publisher's Agreement" the following:

1. After submission of a textbook to the Department of Education for consideration in the textbook approval process, the PUBLISHER will promptly inform this Department in writing of any changes made in the textbook prior to its approval by the Board of Education.
2. If any factual or editing errors are identified in a PUBLISHER's textbook following its approval by the Board of Education, the PUBLISHER will submit a corrective action plan to the Department of Education within 30 days of being notified by the Department of the errors. All corrective action plans must be approved by the Board of Education, but the Board hereby delegates the approval of corrective action plans not involving significant errors to the Superintendent of Public Instruction. Each corrective action plan must be tailored to the materiality of the errors identified and must be implemented in the manner most conducive to and least disruptive of student learning. Corrective action plans may include, but are not limited to: a) corrections upon reprinting of the textbook; b) corrective edits to an online textbook; c) electronic errata sheets posted on the PUBLISHER's and the Department of Education's web sites; d) print errata sheets provided to schools for insertion into textbooks; e) replacement books; and f) return of the textbook and refund of any payment made for the textbook. Upon approval of the corrective action plan, the PUBLISHER will implement the plan at the PUBLISHER's expense.
3. If, upon being notified by the Department of factual or editing errors in an approved textbook, the PUBLISHER disputes that the textbook contains such errors, the PUBLISHER must submit a written explanation of its position to the Department within 30 days of receiving notice from the Department of the error. Upon request,

the PUBLISHER may meet with the Department. The Board of Education reserves to itself the right to make a final determination of whether the textbook contains a factual or editing error. If the Board determines that the textbook contains such an error, the PUBLISHER will submit a corrective action plan to the Department within 15 days after receiving notice of the Board's determination.

The amended motion also included the following: To strike in paragraph 5 the words "primary material in digital media" and substitute the word "textbooks." The motion was seconded by Mr. Krupicka and carried unanimously.

Following is Virginia's Textbook Review Process, as amended and adopted by the Board of Education:

Virginia's Textbook Review Process
Approved by the Virginia Board of Education
March 24, 2011

Section I: Introduction

The Board of Education's authority for approving textbooks and other instructional materials is prescribed in the *Virginia Constitution* and in the *Code of Virginia*.

Virginia Constitution, Article VIII, § 5 (d)

It [the Board of Education] shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth.

Code of Virginia, § 22.1-238

- A. The Board of Education shall have the authority to approve textbooks suitable for use in the public schools and shall have authority to approve instructional aids and materials for use in the public schools. The Board shall publish a list of all approved textbooks on its website and shall list the publisher and the current lowest wholesale price of such textbooks.
- B. Any school board may use textbooks not approved by the Board provided the school board selects such books in accordance with regulations promulgated by the Board.
- C. For the purposes of this chapter, the term "textbooks" means print or electronic media for student use that serve as the primary curriculum basis for a grade-level subject or course.

The Board of Education's current textbook regulations specify the types of materials that may be approved.

Regulations Governing Textbook Adoption, 8 VAC 20-220-30

Only those materials which are designed to provide basic support for the instructional program of a particular content area at an appropriate level will be adopted.

On September 23, 2010, the Board took final action to adopt revised regulations regarding textbooks that will supersede those currently in effect. The revised regulations are currently undergoing the provisions of the Administrative Process Act (APA) and will become effective at the conclusion of that process. When the proposed new regulations become effective, they will state:

Regulations Governing Local School Boards and School Divisions, 8 VAC 20-720 et seq.

8 VAC 20-720-179. Textbooks

A. Textbook approval

1. The Board of Education shall have the authority to approve textbooks for use in the public schools of Virginia.
2. In approving basal textbooks for reading in kindergarten and first grade, the Board shall report to local school boards those textbooks with a minimum decodability standard based on words that students can correctly read by properly attaching speech sounds to each letter to formulate the word at 70 percent or above for such textbooks, in accordance with § 22.1-239 of the *Code of Virginia*.
3. Any local school board may use textbooks not approved by the Board provided the school board selects such books in accordance with this chapter.
4. Contracts and purchase orders with publishers of textbooks approved by the Board for use in grades 6-12 shall allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. Each school board shall have the authority to purchase an assortment of textbooks in any of the three forms listed above.

Textbooks play an important role in helping teachers provide instruction based on the Standards of Learning (SOL) and in helping students achieve the standards. This document provides a comprehensive overview of Virginia's textbook review process including 1) how the review process is initiated; 2) the evaluation procedures used before textbooks are submitted to the Board of Education for first review; 3) the forms publishers must complete; 4) the selection of review committee members; 5) a description of state board action; and 6) an ongoing process for public comment on textbooks approved by the Board of Education.

Section II: Initiating the Textbook Review Process

The Board of Education approves the textbook review process and determines the schedule for approval of specific content area textbooks. The Board will approve textbooks for, but not limited to, the four core subjects of English, mathematics, science, and history and social science.

The Virginia Department of Education administers the review process on behalf of the Board of Education. A flow chart showing the order of events in Virginia's textbook review process is provided in Appendix A. The Board of Education gives administrative authority to the Department to make necessary technical edits and changes to the process and evaluation criteria based on state or federal statutes or regulations and on the specific needs of each of

the subject areas (e.g., kindergarten through grade three English/reading books may necessitate review criteria somewhat different than secondary English textbooks).

Section III: Evaluation Criteria and Publishers' Submission Forms

Following the Board's approval of the textbook review process for each subject area, the Department invites publishers to submit textbooks for review. It is the primary responsibility of publishers to ensure the accuracy of textbooks they submit for review. The Department will work to ensure that publishers have accomplished this by establishing the following evaluations for each textbook submitted: 1) an accuracy review based on the Textbook Publisher's Certification and Agreement; 2) a review for correlation to the Virginia Standards of Learning, content, bias, and suitable instructional planning and support based on the evaluation criteria used by review committees; and 3) a public examination of materials during a public review and comment period.

1. **Publisher's Submission Forms:** Publishers indicate their intent to submit textbooks for the approval process by returning the completed Textbook Publisher's Certification and Agreement.

The certification requires each publisher to certify that textbooks have been thoroughly examined and reviewed by qualified content experts for factual accuracy and to list all authors and their credentials. Publishers must also list the professional credentials for at least three content review experts who have thoroughly examined each textbook for content accuracy. They must certify that each textbook has been thoroughly examined and reviewed by qualified editors for typographical errors and errors in grammar, written expression, spelling, formatting, and other substantive elements that may affect student learning.

Publishers must also certify that any duplicate version (i.e., print or digital) of the primary material that is available to Virginia school divisions contains at least the same content included in the primary material selected by the publisher for review and that any additional content above that contained in the primary material reviewed is accurate and free of errors. If the content of the print and digital versions of the same primary material varies, those variations are outlined in an attachment to the certification.

Publishers must provide a detailed description of the internal process used to ensure accuracy and lack of bias including:

- The quality assurance and workflow steps used to ensure accuracy of content;
- The quality assurance and workflow steps used to eliminate editing and typographical errors, including errors in grammar, written expression, spelling, formatting, and other substantive elements that may affect student learning;
- The fact-back-up guidelines (i.e., what is an acceptable source for a fact and what is not) used by the authors, editors, and outside content experts;
- The review by outside content experts, other than the authors, to verify accuracy and ensure freedom from bias; and
- The process used to reach consensus on information with divergent interpretations.

Publishers must also sign an agreement to correct all factual and editing errors found in a textbook, at their expense. Publishers must agree to the following:

- After submission of a textbook to the Department of Education for consideration in the textbook approval process, the publisher will promptly inform the Department in writing of any changes made in the textbook prior to its approval by the Board of Education.
- If any factual or editing errors are identified in a publisher's textbook following its approval by the Board of Education, the publisher will submit a corrective action plan to the Department of Education within 30 days of being notified by the Department of the errors. All corrective action plans must be approved by the Board of Education, but the Board hereby delegates the approval of corrective action plans not involving significant errors to the Superintendent of Public Instruction. Each corrective action plan must be tailored to the materiality of the errors identified and must be implemented in the manner most conducive to and least disruptive of student learning. Corrective action plans may

- include, but are not limited to: a) corrections upon reprinting of the textbook; b) corrective edits to an online textbook; c) electronic errata sheets posted on the publisher's and the Department of Education's Web sites; d) print errata sheets provided to schools for insertion into textbooks; e) replacement books; and f) return of the textbook and refund of any payment made for the textbook. Upon approval of the corrective action plan, the publisher will implement the plan at the publisher's expense.
- If, upon being notified by the Department of factual or editing errors in an approved textbook, the publisher disputes that the textbook contains such errors, the publisher must submit a written explanation of its position to the Department within 30 days of receiving notice from the Department of the error. Upon request, the publisher may meet with the Department. The Board of Education reserves to itself the right to make a final determination of whether the textbook contains a factual or editing error. If the Board determines that the textbook contains such an error, the publisher will submit a corrective action plan to the Department within 15 days after receiving notice of the Board's determination.
 - If numerous and/or significant errors are identified in a textbook on the Board of Education's approved list, the Board of Education may, in its sole discretion, withdraw the textbook from the approved list. A "significant error" is a factual or editing error that the Board of Education or Department of Education determines within the context of the intended use of the textbook will substantially interfere with student learning. A change in knowledge that occurs subsequent to publication shall not constitute a significant error. The Board of Education must notify the publisher in writing before it removes its textbook from the approved list. The publisher will have 30 days to respond in writing and the right to meet with the Department of Education before removal.
 - If the publisher makes updates/revisions to textbooks after they have been approved by the Board of Education, the publisher will ensure that the updated/revised material has been vetted through the same quality assurance process for accuracy and editing outlined in the signed certification. The publisher will notify the Department and any school division that has purchased this material of the updates/revisions that have been made.

Department of Education staff will review all textbook publishers' certifications and agreements to determine if forms have been completed correctly, sufficient information has been provided, and the forms are signed by an appropriate representative of the publishing company. Any concerns regarding the certifications or agreements will be addressed by Department staff with the appropriate publisher. A certification or agreement that is not completed correctly, is lacking in sufficient information, or is not signed by the appropriate representative, may result in the textbook(s) being removed from consideration for review.

2. Evaluation Criteria: The textbook evaluation criteria used by review committees are comprised of two sections: 1) correlation with the Standards of Learning (SOL); and 2) instructional planning and support.

In Section I, publishers are provided with correlation forms that list all of the SOL for the subject area being reviewed and are asked to provide specific evidence of how and where the SOL are addressed in the textbook. Review committees use the correlation forms to determine the degree to which content found in the textbook is correlated in thoroughness and accuracy to the SOL. They are also given the opportunity to comment on content accuracy, bias, or other concerns resulting from their reviews.

In Section II, a rubric with evaluation criteria is provided for review committees to offer insight on how well the textbook is designed for instructional planning and support. The criteria address the organization of materials, format design, writing style and vocabulary, graphics and illustrations, and instructional strategies. The Department of Education may establish indicators that are specific to subject areas for each criterion. Additionally, the Department of Education will include as part of the state review, criteria that are required in state statute.

3. Public Examination of Materials: After the Board of Education accepts for first review the list of recommended textbooks, it directs the Department to seek public comment on all textbooks on the

recommended list for approval. Review copies of all textbooks are available for public examination at various sites around the Commonwealth. Individuals are invited to examine the proposed textbooks at the examination sites and to submit written comments via mail to the Department or via e-mail to an established electronic mailbox. Department staff review public comments and provide a summary of them to Board members as a part of the final review of the recommended textbooks for approval.

Section IV: Review Committees

As a part of the review process, the Department seeks nominations for qualified educators and content experts to serve on the textbook review committees. Nominations are solicited from division superintendents for teachers, principals, administrators, content specialists, and others who have expertise with the content areas and the standards. Department staff members will also collaborate with community colleges, institutions of higher education, and other sources of subject-matter experts with graduate degrees in the field, to assist with content review. Every attempt will be made to include the following members on each review committee: 1) teachers; 2) a division-level content specialist; and 3) a subject-matter expert who may work across committees. In selecting committee members, Department staff members will attempt to have representation from all regions of the state. Committee members must certify any potential conflict of interests they may have with serving as a member of the review committee before they will be confirmed as a member of the committee.

The Department notifies the publishers of evaluation committee members for the purpose of sending all textbooks under consideration for approval to these reviewers. Committee members use the evaluation criteria, including the publisher's SOL correlation forms, to review the textbooks independently for SOL correlations and design for instructional planning and support.

Members of the review committee submit their individual analyses of each textbook to Department staff. The full committee is then convened to reach consensus on their reviews of the submitted textbooks. Following the meeting, consensus evaluations are shared with publishers, and publishers are given an opportunity to respond to committees' reviews and recommendations. Requests by publishers for reconsideration of SOL correlations are examined carefully prior to the list of recommended textbooks being submitted to the Board of Education for first review.

Section V: State Board Action

The Superintendent of Public Instruction reviews the list of textbooks proposed by the reviewers and makes a recommendation to the Board of Education that it accept for first review the proposed list of textbooks for state approval. Information from the textbook publishers' certifications and agreements is also included as part of the presentation to the Board. Upon acceptance for first review by the Board, a 30-day public examination period is announced. The public is invited to review copies of the books that have been placed at review sites around the state and to provide public comment to the Board either by mail or to an established electronic mailbox.

The Board reviews all public comment, considers the list, and approves the textbooks. Following Board action, the Department posts a list of approved textbooks with prices on the Department's Web site under Textbooks. Information from the textbook publishers' certifications and agreements will also be posted on the Web site.

Section VI: Ongoing Public Comment

After the textbook approval takes place, the public can provide ongoing feedback to the Department regarding any inaccuracies found in an approved textbook. An electronic mailbox will be established for this purpose. Department of Education staff will inform publishers of any errors identified. Publishers will be given the opportunity to contest the errors and/or propose a corrective action plan for approval by the Board. If numerous and/or significant errors are identified in a textbook on the Board of Education's approved list, the Board of Education may, in its sole discretion, withdraw the textbook from the approved list.

Report from Dr. Wright

As a result of significant factual inaccuracies found in two history textbooks on the list of history textbooks the Board of Education approved on January 15, 2010, the Board passed a resolution at the January 13, 2011, meeting requesting the Superintendent's action plans. Dr. Wright reported that, as a result of the request, she is presenting her recommendations for action by the Board of Education. The Superintendent's recommendations are as follows:

1. To initiate on the Board's behalf a process to consider withdrawal of its approval of the textbooks "Our Virginia: Past and Present" (first edition) and "Our America to 1865" (first edition), published in each case by Five Ponds Press.

Superintendent's Recommendation

That the Board of Education withdraw its approval of two textbooks, *Our Virginia: Past and Present* (1st edition) and *Our America to 1865* (1st edition), published in each case by Five Ponds Press, from the list of approved history and social science textbooks.

Mr. Johnson made a motion to adopt the Superintendent's recommendation. The motion was seconded by Dr. McLaughlin and carried unanimously.

2. To seek remedies from Five Ponds Press to help school divisions which have purchased those textbooks in replacing and/or correcting such textbooks as soon as possible, including pursuing any available assistance from and/or remedies involving the publisher.

Superintendent's Recommendation

Given that a number of school divisions have previously purchased the two textbooks *Our Virginia: Past and Present* (1st edition) and *Our America to 1865* (1st edition) which have been removed from the Board's list of approved history and social science textbooks, and given that Five Ponds Press has stated its intention to produce a second edition that corrects errors present in the first editions and to replace the first editions now in the classrooms with the improved second editions, without charge to the school divisions that purchased the previous versions of the textbooks, and given that school divisions deserve to know whether the second edition is satisfactory to the Board, the superintendent recommends that the Board direct that, in the event that Five Ponds Press seeks an expedited review of the second edition of the two textbooks, that the Superintendent receive and review the request from Five Ponds Press in accordance with the terms of the Board's newly-adopted textbook review process, and to bring to the Board a recommendation regarding the approval of the replacement editions.

Mr. Johnson made a motion to adopt the Superintendent's recommendation. The motion was seconded by Dr. McLaughlin. Mr. Foster amended the motion to substitute the word "whether" in the place of "that." The amended motion was

seconded by Mrs. Castro and carried unanimously.

3. To obtain a review by qualified experts of any other textbooks published by Five Ponds Press that have been approved by the Board of Education.

Superintendent's Recommendation

Based on the review of the history and social studies textbooks produced by Five Ponds Press and approved by the Board for use in grades K-3 and because the Board plans to take no action to remove the books from the list of textbooks approved by the Board, the Superintendent recommends that the Board direct the Superintendent of Public Instruction to request from Five Ponds Press a corrective action plan to respond to such errors in the textbooks as have been identified.

Mr. Johnson made a motion to adopt the Superintendent's recommendations. The motion was seconded by Dr. McLaughlin. The motion was amended to replace "I move that the Board take no action" with "and because the Board plans to take no action." The amended motion was seconded by Mrs. Sears and adopted unanimously.

Final Review of Proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools

Mr. Charles Pyle, director of communications, presented this item. Mr. Pyle's presentation included the following:

- *Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools* was accepted by the Board of Education for first review and public comment on November 18, 2010.
- The proposed guidance document was revised in response to comments received between November 18, 2011, and December 18, 2011. The revised draft was posted on the Virginia Department of Education (VDOE) Web site with other January board agenda items on January 7, 2011.
- On January 10, 2011, the Board delayed final review of the proposed guidelines until February 17, 2011, and extended the window for public comment on the proposed guidelines until February 12, 2011.
- Given the volume of comments received during the extended public comment period, Mrs. Saslaw approved a further delay of final review of the proposed guidelines until March 24, 2011. All comments were received between November 18, 2010, and February 12, 2011.
- Fifty-nine, or 75 percent, of the 79 public comments received between November 18, 2010, and February 12, 2011, were critical of the original November 18, 2010, draft, or critical of the revised draft that was posted on the VDOE Web site as an agenda item for the January 13, 2011, board meeting. Stakeholder and education groups expressing concern about suggested model policies include the Virginia Education Association, Virginia PTA, Virginia Association of School Superintendents, Virginia Society for Technology in

Education, Virginia Association for Supervision and Curriculum Development, and Virginia Academy of School Psychologists.

- The issue of electronic communications between adult school board employees and students elicited the most comment. The majority of the critical comments raised practical objections in describing the possible impact of specific model policies and best practices included in the first two drafts on instruction and teacher-student relationships — while acknowledging concern about misconduct. A few of those critical of the first two draft documents expressed a belief that there should be no attempt whatsoever by the board or local school boards to regulate digital and online communications between teachers and students.
- Several division superintendents and school board chairmen acknowledged the need for clear local policies to deter misconduct and suggested that a document from the Board of Education identifying policy objectives and offering broad guidance — rather than specific model policies and best practices — would be more useful to local school boards in responding to the 2008 legislation.
- In developing *Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools*, the Division of Policy and Communications studied prevention policies adopted by school boards and legislatures in several states, including model prevention policies developed by state school board associations, and the National School Boards Association's Council of School Attorneys. Reports, studies, and policy briefs on the issue of sexual misconduct in school settings from the U.S. Department of Education, National School Boards Association's Council of School Attorneys also were reviewed.

Dr. Cannaday made a motion to approve the proposed *Guidelines for the Prevention of Sexual Misconduct and Abuse in the Public Schools* as a resource for school divisions. The motion was seconded by Mrs. Beamer. Mrs. Sears amended the motion to include the following sentence in the second paragraph of the guidelines: The Virginia Board of Education developed *Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools* to help local school boards create and implement policies and procedures that deter misconduct, provide accountability, and establish clear and reasonable boundaries for interactions among students and teachers, other school board employees, and adult volunteers. The motion was seconded by Mrs. Castro and carried unanimously.

First Review of a Request for Approval of an Innovative Program Opening Prior to Labor Day from Alexandria City Public Schools

Ms. Anne Wescott, assistant superintendent for policy and communications, introduced Dr. Morton Sherman, superintendent, Alexandria City Public Schools to the Board. Dr. Sherman's presentation included the following:

- The Alexandria City School Board (ACPS) is requesting approval of waivers for innovative programs to allow all of its schools to open prior to Labor Day:
 - ✓ John Adams Elementary School
 - ✓ Charles Barrett Elementary School

- ✓ Patrick Henry Elementary School
- ✓ Douglas MacArthur Elementary School
- ✓ George Mason Elementary School
- ✓ Matthew Maury Elementary School
- ✓ James K. Polk Elementary School
- ✓ William Ramsay Elementary School
- ✓ Samuel W. Tucker Elementary School*
- ✓ Jefferson-Houston K-8 School
- ✓ Cora Kelly School for Math, Science and Technology
- ✓ Lyles-Crouch Traditional Academy
- ✓ Mount Vernon Community School*
- ✓ George Washington Middle Schools 1 and 2
- ✓ Francis C. Hammond Middle Schools 1, 2, and 3
- ✓ T.C. Williams High School

*Samuel W. Tucker Elementary School and Mount Vernon Community School already open before Labor Day, as these schools were approved by the Virginia Board of Education in 2004 and 2005 to operate on a Modified School Calendar as year-round schools.

- The school division is requesting the waiver in order to facilitate the implementation of numerous innovative programs ACPS is initiating to help schools meet state and federal standards:
 - ✓ To increase learning time for students;
 - ✓ To better connect professional learning with the school calendar by creating additional professional learning time and reducing the amount of time teachers are pulled from classrooms;
 - ✓ To provide time for teachers to work on school education goals and their Individual Professional Learning Plans; and
 - ✓ To provide professional opportunities for teachers to update Individual Achievement Plans for students as part of the transformation model for school improvement as an option under the federal Elementary and Secondary Education Act (ESEA).
- The Alexandria City Public Schools (ACPS) have 11,999 students with thirteen elementary schools, five middle schools, and one high school. Students come from more than a hundred different countries and speak 65 native languages. Fifty-two percent of ACPS students are eligible for free or reduced price meals, and three schools have more than 70 percent of their students classified as disadvantaged. About 21.5 percent of the students receive English Language Learner (ELL) services. ACPS also has a highly mobile population, with some immigrant students entering the system in middle or high school with little formal education in any language. ACPS currently has 1,661 students, or 13.8 percent, receiving special education.
- T.C. Williams High School, the school division's only high school, has been federally designated as a Persistently Lowest Achieving High School and has adopted the Transformation Model of Improvement. It has not made Adequate Yearly Progress (AYP) since 2002 when Congress amended the Elementary and Secondary Education Act (ESEA).

Twelve other schools did not make AYP in the 2010-2011 school year. Eighteen of the 19 schools are fully accredited. Jefferson-Houston Elementary School is warned in English and history.

- The school division's on-time graduation rate (students who enter 9th grade and finish within four years) is currently 79 percent, compared to the statewide average of 85.5 percent for the class of 2010.
- In March 2009, the Alexandria City School Board, adopted a strategic plan that commits to "Setting the international standards for educational excellence, where all students achieve their potential and actively contribute to our local and global communities." The School Board further declared "We will achieve our vision as we provide the environment, resources, and commitment to ensure that each and every student succeeds – academically, emotionally, physically, and socially." The school board and administration have also pledged to ensure that all students graduate prepared for college or higher learning if that is their choice.
- In its request, ACPS indicates that it has begun an assertive transformation of its schools and central office. When T.C. Williams High School was designated as one of Virginia's Persistently Lowest Achieving Schools, the Transformation Model that was put into place recognized that teachers are the core to school improvement. The following transformation efforts are being implemented:
 - ✓ Hiring additional high school counselors to adjust the student load from 260 to about 180;
 - ✓ Hiring additional middle and high school mathematics and English teachers to enable these teachers to provide individualized instruction and interventions for at-risk students;
 - ✓ Creating Individual Learning Plans for every middle and high school student in mathematics and language arts and providing additional tutoring for students;
 - ✓ Requiring Professional Learning Plans for every licensed employee and providing enhanced professional development and coaching for teachers;
 - ✓ Transforming the two large middle schools into five smaller schools to create more personalized and customized learning environments; and
 - ✓ Creating limits on elementary class size.
- In its request, ACPS proposes to provide more time for learning to all students with the following actions:
 - ✓ The 2011-2012 school year would begin on August 29, 2011, and end on June 15, 2012, which would allow ACPS to offer five days of instruction prior to Labor Day.
 - ✓ ACPS plans to add two instructional days to the school calendar, increasing the number of instructional days from 183 to 185, as part of the larger effort to increase instructional time.
 - ✓ ACPS also plans to use other strategies to maximize student time in the classroom, such as adding teacher work days for professional development rather than pulling teachers out of class for professional development and reducing half-day classes.

- ✓ ACPS has recently adopted a new policy to hold elementary summer school the first two weeks of August, rather than immediately after the end of the school year, to prepare students better for the upcoming school year.

Mr. Krupicka made a motion to accept the request from Alexandria City Public Schools for first review, pursuant to the provisions of §22.1-79.1 of the *Code of Virginia*. The motion was seconded by Mr. Foster and carried unanimously.

First Review of a Request for Continuation of an Alternative Accreditation Plan from Danville City Public Schools for J. M. Langston Focus School

Dr. Kathleen Smith, director, office of school improvement, division of student assessment and school improvement, introduced Dr. Sue B. Davis, superintendent, and Andy Terrell, assistant superintendent, Danville City Public Schools, to the Board. Mr. Terrell presented to the Board and his presentation included the following:

- Danville City Public Schools is seeking an extension of an alternative accreditation plan for J. M. Langton School. The VBOE approved the first alternative accreditation plan in September 2007. Since that time, the school has not met the *Standards of Accreditation* targets. The school demonstrated an increase in English, mathematics, and history over the past three years:

Unadjusted AYP Pass Rates	2007-2008	2008-2009	2009-2010
	Percent Passing		
English Performance			
All Students	42%	58%	68%
Mathematics Performance			
All Students	15%	52%	68%
History Performance			
All Students	42%	60%	62%
Science Performance			
All Students	40%	61%	60%

The following data was used to determine the alternative accreditation status (*Accredited with Warning*) of J. M. Langston Focus School for the 2010-2011 year based on data from the 2009-2010 year:

Table 1

SOL Core Subject Index Points			
Number of Students	SOL Scaled Score	Points Awarded for Each Proficiency Level	Points Awarded
10	600-500	100	1000
214	499-400	90	19260
9	399-375	70	630
152	Below 400 where a basic score is not available	0	0
Total Number of Points Awarded			20890
(A) Total Number of Points Awarded			20890
(B) Total Number of Grades 6-12 Tests Administered			376
SOL Core Subject Index Score = (A)/(B)			55.6

Table 2

Additional Index Points	
Course GPA of students completing the College Success Skills at Danville Community College meets or exceeds 3.0 for 80% of completers	2

Table 3

Alternate Accreditation Composite Index Score Calculations	
Categories	
SOL Core Subject Index Score = (A)/(B)	55.6
Total Number of Additional Index Points (up to 8 points)	2.0
Alternative Accreditation Composite Index Score = [(A)/(B)] +	
Total Number of Additional Index Points (up to 8 points)	57.6

- The proposed alternative education plan, includes both student achievement and graduation criteria since the graduation and completion index becomes an accreditation criteria for ratings awarded in 2011-2012.
- Danville City Public Schools is requesting waivers from specific provisions of sections 8 VAC 20-131-90 A-C and 8 VAC 20-131-100 A-B. Foreign language, music and career and technical education are not provided in the middle grades. At the secondary level, foreign language and advanced placement courses are not provided. Danville City Public Schools is requesting the following waivers:

8 VAC 20-131-90. Instructional program in middle schools
Music, foreign language, and career and technical exploration

8 VAC 20-131-100. Instructional program in secondary schools
Foreign language and Advanced Placement (AP) courses

Mr. Krupicka made a motion to accept for first review the request for a continuation of an alternative accreditation plan from Danville City Public Schools for J. M. Langston Focus School. The motion was seconded by Dr. Cannaday and carried unanimously.

First Review of a Request for Continuation of an Alternative Plan from Richmond City Public Schools for Richmond Alternative School

Dr. Smith presented this item. Mrs. Oakley, assistant superintendent, Richmond City Public Schools, Mrs. Alberta Person, principal, Richmond Alternative School, and Dr. Kirk Schroeder, were in attendance. Mrs. Oakley presented to the Board and her presentation included the following:

- Richmond City Public Schools partners with the Community Education Partners (CEP) to provide services through the Capital City Program (CCP) at Richmond Alternative School for students in grades 6-11. The purpose of the partnership is to support low-performing and disruptive students so that they can return to their home schools prepared to be successful. This program focuses on the most difficult students with learning and behavioral issues as a result of factors beyond the control of public education.
- Richmond City Public Schools is seeking an extension of an alternative accreditation plan for Richmond Alternative School. The VBOE approved the first alternative accreditation plan on April 27, 2007. Since that time, the school has met the alternative accreditation targets. Achievement data is indicated below. It should be noted that the student population in this alternative school changes from year to year. It is difficult to analyze data across time as the needs of students in one year may be quite different from the next year.

Unadjusted AYP Pass Rates	2007-2008	2008-2009	2009-2010
	Percent Passing		
English Performance			
All Students	57%	64%	57%
Mathematics Performance			
All Students	43%	57%	51%
History Performance			
All Students	19%	32%	28%
Science Performance			
All Students	58%	70%	53%

- The following data was used to determine the accreditation status of Richmond Alternative School for the 2009-2010 year based on data from the 2010-2011 year.

ENGLISH			MATHEMATICS		
NUMBER OF STUDENT SCORES	INDEX POINTS	TOTAL	NUMBER OF STUDENT SCORES	INDEX POINTS	TOTAL
8	Advanced 100 pts	800	1	Advanced 100 pts	100
145	Proficient 90 pts	13,050	127	Proficient 90 pts	11,430
89	Basic 70 pts	6,230	66	Basic 70 pts	4,620
26	Fail 0 pt	0	81	Fail 0 pt	0
SOL Score Points Awarded		20,080	SOL Score Points Awarded		16,150
Total No. of Student Scores		255	Total No. of Student Scores		247
SOL Index Points		78.8	SOL Index Points		65.4
BONUS POINTS		TOTAL	BONUS POINTS		TOTAL
Weighted Index of students enrolled for a full academic year (at least 2 semesters) achieving at the proficient and advanced levels on the SOL assessments in science and history and social science		1	Weighted Index of students enrolled for a full academic year (at least 2 semesters) achieving at the proficient and advanced levels on the SOL assessments in science and history and social science		1
Increased percentage of students enrolled for at least 2 consecutive semesters who complete high school with a diploma or GED		2	Increased percentage of students enrolled for at least 2 consecutive semesters who complete high school with a diploma or GED		2
Increased percentage or number of students in grades 6-8 taking Algebra I		1	Increased percentage or number of students in grades 6-8 taking Algebra I		1
Increased number of high school students earning a career and technical industry certification or national occupational assessment credential		0	Increased number of high school students earning a career and technical industry certification or national occupational assessment credential		0
Increased percentage or number of high school students taking at least one dual enrollment, Advanced Placement, or other college-level course		0	Increased percentage or number of high school students taking at least one dual enrollment, Advanced Placement, or other college-level course		0
Decreased number of students identified as truants by 10%		0	Decreased number of students identified as truants by 10%		0
Average daily attendance meets or exceeds 80%		0	Average daily attendance meets or exceeds 80%		0
Increased number of students successfully transitioned into the regular school setting		2	Increased number of students successfully transitioned into the regular school setting		2
Decreased number of serious incidents while at CCP		2	Decreased number of serious incidents while at CCP		2
TOTAL BONUS POINTS		8	TOTAL BONUS POINTS		8
TOTAL ALTERNATIVE ACCREDITATION INDEX SCORE		86.8	TOTAL ALTERNATIVE ACCREDITATION INDEX SCORE		73.4

- The proposed alternative education plan includes student achievement criteria. It does not include graduation criteria as students return to their home school for graduation.

- Richmond City Public Schools is requesting waivers from specific provisions of sections 8 VAC 20-131-90 A- C and 8 VAC 20-131-100 A-B as foreign language and the fine arts are not provided. At the secondary level, students have opportunities to receive the needed credits for graduation in foreign language and fine arts when they return to their home school. Richmond City Public Schools is requesting the following waivers:

8 VAC 20-131-90 A-C. Instructional program in middle schools
Fine arts, foreign language

8 VAC 20-131-100 A-B. Instructional program in secondary schools
Fine arts, foreign language

Dr. McLaughlin made a motion to accept for first review the continuation of an alternative accreditation plan from Richmond City Public Schools for Richmond Alternative School. The motion was seconded by Mrs. Beamer and carried unanimously.

First Review of Revised Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers and Virginia Standards for the Professional Practice of Teachers

Dr. James Lanham, director of teacher licensure and school leadership, presented this item. Mr. Lanham's presentation included the following:

- In response to the *1999 Education Accountability and Quality Enhancement Act* (HB2710 and SB1145) approved by the Virginia General Assembly, the Board of Education approved the *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents* in January 2000. In May 2008, the Board of Education approved the guidance document, *Virginia Standards for the Professional Practice of Teachers* that responded to a recommendation from the Committee to Enhance the K-12 Teaching Profession in Virginia established by the Board of Education and the State Council of Higher Education for Virginia.
- The Board of Education is required to establish performance standards and evaluation criteria for teachers, principals, and superintendents to serve as guidelines for school divisions to use in implementing educator evaluation systems. The *Code of Virginia* requires (1) that teacher evaluations be consistent with the performance objectives (standards) set forth in the Board of Education's *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents* and (2) that school boards' procedures for evaluating instructional personnel address student academic progress.
- The Virginia Department of Education established a work group to conduct a comprehensive study of teacher evaluation in July 2010. The work group included teachers, principals, superintendents, human resources representatives, a higher education representative, and representatives from professional organizations (Virginia Association of Elementary School Principals, Virginia Association of Secondary School Principals, Virginia Association of School Superintendents, Virginia Education Association, Virginia School Boards Association and the Virginia Parent Teacher Association), expert consultants, and Department of Education personnel.

- Department of Education staff consulted with the Center for Innovative Technology (CIT) to coordinate the activities of the work group. Working with the Department, CIT engaged the services of two expert consultants to assist in revising the documents, developing revised standards, and creating new evaluation models. The consultants were Dr. James Stronge, Heritage Professor of Educational Policy, Planning, and Leadership, The College of William and Mary; and Dr. Terry Dozier, Associate Professor, Teaching and Learning, and Director, Center for Teacher Leadership, Virginia Commonwealth University.
- The goals of the work group were to:
 - ✓ compile and synthesize current research on:
 - comprehensive teacher evaluation as a tool to improve student achievement and teacher performance, improve teacher retention, and inform meaningful staff development, and
 - effective models of differentiated and performance-based compensation including differentiated staffing models;
 - ✓ examine selected research being conducted by faculty at Virginia colleges and universities involving teacher evaluation and differentiated and performance-based compensation;
 - ✓ examine existing state law, policies, and procedures relating to teacher evaluation;
 - ✓ examine selected teacher evaluation systems currently in use across Virginia;
 - ✓ develop and recommend policy revisions related to teacher evaluation, as appropriate;
 - ✓ revise existing documents developed to support teacher evaluation across Virginia, including the *Guidelines for Uniform Performance Standards for Teachers, Administrators and Superintendents* and the *Virginia Standards for the Professional Practice of Teachers* to reflect current research and embed the requirement to consider student growth as a significant factor of all teacher evaluation protocols;
 - ✓ examine the use of teacher evaluation to improve student achievement with particular focus on high-poverty and/or persistently low-performing schools in Virginia;
 - ✓ examine the use of teacher evaluation to improve teacher retention and guide meaningful professional development with particular focus on hard-to-staff, high-poverty, and/or persistently low-performing schools in Virginia;
 - ✓ examine the use of teacher evaluation as a component of differentiated compensation or performance-based compensation both in Virginia and nationally;
 - ✓ develop new models of teacher evaluation, including a growth model, that can be field tested by selected school divisions;

- ✓ provide technical support to selected school divisions as they field test new models; and
- ✓ evaluate field test results and use results to refine evaluation models, inform further policy development, inform legislative priorities, and support applications for federal or other grant funding to support further implementation of new evaluation models and performance-based compensation models across Virginia.
- ✓ Work group meetings were held in Richmond in August 2010, Charlottesville in October 2010, and Newport News in December 2010. The work group concluded its work in December 2010, and a subcommittee of the work group met on March 9, 2011, to review the draft documents.
- ✓ The work group developed two guidance documents requiring Board of Education approval:

Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers

State statute requires that teacher evaluations be consistent with the performance standards (objectives) included in this document. The additional information contained in the document is provided as guidance for local school boards in the development of evaluation systems for teachers.

Virginia Standards for the Professional Practice of Teachers

The standards in this document define what teachers should know and be able to do, and they establish a foundation upon which all aspects of teacher development from teacher education to induction and ongoing professional development can be aligned. The revised *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers* incorporate these teaching standards. This document serves as a resource for school divisions in the implementation of the Board of Education's performance standards and evaluation criteria for teachers and for colleges and universities in teacher preparation.

- ✓ Also included in the Board item is a document, *The Research Base for the Uniform Performance Standards for Teachers*, that provides the research base supporting the selection and implementation of the proposed performance standards and evaluation criteria. This is an informational Department of Education document that does not require Board of Education approval.
- ✓ The *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers* set forth seven performance standards for all Virginia teachers. Pursuant to state law, teacher evaluations must be consistent with the following performance standards (objectives) included in this document:

Performance Standard 1: Professional Knowledge

The teacher demonstrates an understanding of the curriculum, subject content, and the developmental needs of students by providing relevant learning experiences.

Performance Standard 2: Instructional Planning

The teacher plans using the Virginia Standards of Learning, the school's curriculum, effective strategies, resources, and data to meet the needs of all students.

Performance Standard 3: Instructional Delivery

The teacher effectively engages students in learning by using a variety of instructional strategies in order to meet individual learning needs.

Performance Standard 4: Assessment of and for Student Learning

The teacher systematically gathers, analyzes, and uses all relevant data to measure student academic progress, guide instructional content and delivery methods, and provide timely feedback to both students and parents throughout the school year.

Performance Standard 5: Learning Environment

The teacher uses resources, routines, and procedures to provide a respectful, positive, safe, student-centered environment that is conducive to learning.

Performance Standard 6: Professionalism

The teacher maintains a commitment to professional ethics, communicates effectively, and takes responsibility for and participates in professional growth that results in enhanced student learning.

Performance Standard 7: Student Academic Progress

The work of the teacher results in acceptable, measurable, and appropriate student academic progress.

- ✓ The first six standards closely parallel the work of the Interstate New Teachers Assessment and Support Consortium as well as the National Board for Professional Teaching Standards. The seventh standard adds an increased focus on student academic progress. For each standard, sample performance indicators are provided. In addition, the evaluation guidelines provide assistance to school divisions regarding the documentation of teacher performance with an emphasis on the use of multiple measures for teacher evaluation rather than relying on a single measure of performance.
- ✓ The *Code of Virginia* requires that school boards' procedures for evaluating teachers address student academic progress; how this requirement is met is the responsibility of local school boards. Though not mandated, the Board's *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers* recommend that each teacher receive a summative evaluation rating, and that the rating be determined by weighting the first six standards equally at 10 percent each, and that the seventh standard, student academic progress, account for 40 percent of the summative evaluation. There are three key points to consider in this model:
 1. Student learning, as determined by multiple measures of student academic progress, accounts for a total of 40 percent of the evaluation.

2. At least 20 percent of the teacher evaluation (half of the student academic progress measure) is comprised of student growth percentiles as provided from the Virginia Department of Education when the data are available and can be used appropriately.
 3. Another 20 percent of the teacher evaluation (half of the student academic progress measure) should be measured using one or more alternative measures with evidence that the alternative measure is valid. **Note:** Whenever possible, it is recommended that the second progress measure be grounded in validated, quantitative, objective measures, using tools already available in the school.
- ✓ The *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers* provide school divisions with a model evaluation system, including sample forms and templates that may be implemented “as is” or used to refine existing local teacher evaluation systems. Properly implemented, the evaluation system provides school divisions with the information needed to support systems of differentiated compensations or performance-based pay.
 - ✓ Plans are underway to pilot teacher evaluation and performance pay models based on the new guidance documents for the 2011-12 school year. Two pilots are anticipated, one funded through the federal School Improvement Grant (SIG) and the other from state funding for hard-to-staff schools.

Mrs. Castro made a motion to accept for first review the revised guidance documents, *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers* and the *Virginia Standards for the Professional Practice of Teachers*. The motion was seconded by Mr. Johnson and carried unanimously.

First Review of Process for State Approval of Textbooks for K-12 English/Language Arts and K-12 Science

Dr. Linda Wallinger presented this item. Dr. Wallinger’s presentation included the following:

- The Board of Education approved the current list of state-approved English/Language Arts textbooks following revisions to the *English Standards of Learning* in 2002 and to the *English Curriculum Framework* in 2003. The current list of science textbooks was approved by the Board in 2004, following revisions to the *Science Standards of Learning* and the *Science Curriculum Framework*.
- The Board’s 2007-2012 Comprehensive Plan indicated as priorities, revisions to the standards and curriculum frameworks, as well as review of textbooks. On January 10, 2008, the Board approved a schedule to continue this work through 2015. As such, the *English Standards of Learning* and the *Science Standards of Learning* were revised in 2010, followed by revisions to the *English Curriculum Framework* and the *Science Curriculum Framework* in the same year.

- Local school boards may approve textbooks that are not on the Board-approved list. In accordance with the *Code of Virginia*, §22.1-238, any school board may use textbooks not approved by the Board provided the school board selects such books in accordance with regulations promulgated by the Board.
- Local school boards that choose to approve textbooks that are not on the Board-approved list will be encouraged to engage in a process similar to the Board's new process, where they request certifications of accuracy from publishers.

Dr. McLaughlin made a motion to waive first review and grant approval for the Department of Education to proceed with the review of K-12 English/Language Arts textbooks beginning in April 2011, and with the review of K-12 Science textbooks beginning in September 2011. The motion was seconded by Dr. Cannaday and carried unanimously.

Report on Legislative and Budget Actions by the 2011 General Assembly

Mr. Kent Dickey and Mrs. Anne Wescott presented this item. Department staff tracked all budget and legislative actions affecting K-12 education during the 2011 General Assembly.

Mr. Dickey presented a summary of budget actions taken by the General Assembly affecting the 2010-2012 budget. They are as follows:

**Amended 2010-2012 Budget Adopted by the 2011 General Assembly
K-12 Public Education Highlights**

- The 2011 General Assembly acted on amendments to the 2010-2012 budget introduced by Governor McDonnell (HB1500/SB800) in December. Budget changes adopted by the General Assembly will go to the Governor for action, and the General Assembly will reconvene on April 6th to consider any amendments or vetoes proposed by the Governor. The final amended budget will replace the current 2010-2012 budget adopted at the 2010 Session (Chapter 874).
- The General Assembly budget actions impacting public education focused on the Virginia Retirement System (VRS), additional funding for divisions through a one-time Supplement Support account in FY12, and restoring the Composite Index Hold Harmless funding in FY12.
- The current (Chapter 874) VRS employer rate for teachers in FY12 is 5.16%, and the Governor's proposed FY12 rate was 7.16%. The General Assembly adopted an employer rate of 6.33% for FY12, which reduces the state share of funding for VRS contributions by \$22.3 million compared to the rate proposed in the introduced budget. The General Assembly budget also removes proposed language allowing divisions to charge the 5% employee share to employees if a 3% pay increase is provided, as well as language mandating school employees hired after July 1, 2011, to pay the 5% employee share.
- Provides \$87.7 million in FY12 for a one-time Supplemental Support for School Operating Costs account. This funding is provided based on the state share of approx. \$130 per pupil. A local match is required. This is one-time funding in FY12 only and must be used by divisions for operational costs such as salaries (no capital costs). This funding will not continue into the 2012-2014 budget.

- Combined with the above funding, provides \$16.6 million for the remaining amounts needed to restore the Composite Index Hold Harmless funding to affected divisions in FY12. This is one-time funding to the affected divisions in FY12 only and will not continue into the 2012-2014 budget.
- Reduces GF support for Textbooks by \$5.9 million in FY12. Textbook funding will be rebenchmarked for 2012-2014 according to the per pupil prevailing cost formula.
- Adopts the Governor's recommended \$3.0 million in FY12 for the Performance Pay Incentives pilot in hard-to-staff schools. Division applications to participate in the program are due to DOE by June 15.
- Provides approx. \$66,000 in FY12 for increasing the enrollment cap in an academic year Governor's School by 50 students (to 1,650). Reduces funding for Project Discovery by 10% (approx. 69,000) in FY12.
- Did not adopt any reductions to SOQ funding.
- The net state funding impact to divisions in FY12, compared to the introduced budget, is an increase of \$76.1 million.
- To help mitigate reduced state and local funding and recognize depleting federal stimulus funds, allows divisions to carry over state fund balances from FY11 to FY12 and from FY12 to FY13, if divisions have met required local effort on the SOQ.
- Adopted language governing funding for virtual school programs that:
 - 1) for FY11 only, provides state funding for out-of-division students enrolled full-time in the Carroll County virtual school program based on the Carroll County composite index;
 - 2) requires – in FY12 – state funding to be provided for out-of-division students enrolled full-time in virtual school programs based on the composite index of the students' resident division, and that funding will be provided for SOQ accounts only (not Lottery and other accounts). Required local effort for out-of-division virtual students will be based on the composite index of the enrolling/operating division.
- Did not approve a legislative study be conducted of virtual school funding issues.

Mrs. Wescott presented a summary of bills and resolutions passed by the General Assembly. They are as follows:

K-12 Legislation Passed by the 2011 General Assembly

Standards of Quality	
HB 1792 (Tata) SB 1270 (Houck)	Standards of Quality. Codifies in the Standards of Quality the flexibility to use funds provided in the appropriation act for data coordinators, reading specialists, mathematics specialists, instructional staff serving English language learners, and assistant principals. The bill also amends the definition of "support services positions" and specifies the positions that would be considered in this category.
Standards of Accreditation	
HB1435 (Bell, D.)	American Sign Language. Provides that if a local school board offers an elective course in American Sign Language, it must grant academic credit for course completion on the same basis as the successful completion of a foreign language course and count course completion in American Sign Language toward the fulfillment of any foreign language requirement for graduation. It also requires public institutions of higher education to count academic credit received for successful completion of American Sign Language courses in a secondary school or higher education institution toward satisfaction of the foreign language entrance requirements.
HB 1554 (Wilt) SB 910 (Obenshain)	Delayed implementation of the new graduation requirements. Delays until July 1, 2011, the implementation of the regulations for the accreditation of schools that were not already in effect on June 30, 2008, with the exception of the Graduation and Completion Index (effective 2010-2011 for accreditation ratings awarded for the 2011-2012 school year), and the new graduation requirements for the Standard and Advanced Studies Diplomas, including the requirement for a standard credit in economics and personal finance (effective with the ninth-grade class of 2011-2012).
HB 1793 (Tata)	Diploma seals. Allows local school boards to award diploma seals for all Board of Education-approved diplomas.
HB 2494 (Scott, E.)	Alternative Accreditation Plan. Provides that any school board, on behalf of one or more of its schools, may request from the Board of Education releases from state regulations and approval of an Individual School Accreditation Plan.
CTE and STEM	
HB 1493 (Greason)	Career and technical education industry certifications. Provides that where there is a national industry certification for career and technical education instructional personnel or programs for automotive technology, the Board of Education must make such certification a mandatory part of the career and technical education program. This would become effective July 1, 2012.
HB 2172 (Phillips) SB 953 (Wagner)	Virginia's Index of Performance Guidelines. Requires the Board of Education to take into account in its guidelines for the Virginia Index of Performance program a school division's increase in enrollments and elective course offerings in science, technology, engineering, and mathematics.
Family Life Education	
SB 906 (Deeds)	Dating violence. Provides that any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once during middle school and at least twice during high school.

Home Schooling	
HB 2439 (Sickles)	Driver education in Planning District 8. Requires school boards in Planning District 8 to make the 90-minute parent/student driver education component available to all students and their parents or guardians who are in compliance with the compulsory school attendance statute.
Labor Day	
HB 1483 (Cleaveland)	Opening school prior to Labor Day. Adds to the "good cause" circumstances for which school divisions may be granted a waiver from the post-Labor Day school opening schedule a school division that is entirely surrounded by a school division that has an opening date prior to Labor Day in the school year for which the waiver is sought.
Local School Divisions	
HB 2243 (Torian)	Electronic records and signatures. Authorizes local school boards to adopt and implement policies to permit electronic records and electronic signatures to be accepted from any parent, guardian, or other person having control or charge of a child enrolled in the relevant school division.
SB 1038 (Barker)	School placement for a child in foster care. Allows a child placed in foster care to remain at his original school, if it is determined to be in his best interests. It requires the determination to be made in writing by the placing social services agency and the local school division together, and adds the school placement to the foster care plan.
Physical Education and Health	
SB 966 (Northam)	Physical Education. Requires at least 150 minutes of physical education per week on average during the regular school year for grades K-8, with a similar goal for high school students. This requirement would not apply to any half-day kindergarten. This would become effective in the 2014-2015 school year.
SB 1094 (Hanger)	Youth health risk survey. Requires the Department of Health to develop and administer a random survey of students in public middle and high schools to facilitate planning and implementation of effective programs for substance abuse prevention through collection of information identifying trends in alcohol, tobacco, and other drug use and the assessment of risk and protective factors among youth of the Commonwealth.
Pupil Transportation	
HB 1911 (Miller, J.) SB 946 (Howell)	Video-monitoring system. Authorizes localities to adopt ordinances to allow local school divisions to install and operate video-monitoring systems on school buses in order to detect drivers passing stopped school buses.
HB 2043 (Anderson) SB 769 (Marsden)	Failing to stop for a school bus. Provides that a person driving a motor vehicle shall stop his vehicle when approaching, from any direction, any school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, and remain stopped until all the persons are clear of the highway, private road, or school driveway and the bus is put in motion. Failure to do so is reckless driving.

Teachers and Administrators	
HB 2077 (Landes)	Exclusion of students from mandatory testing. Adds the act of excluding students from testing who are required to be assessed to the conditions under which the Board of Education may: (i) Bring a cause of action, (ii) Suspend or revoke an administrative or teaching license, (iii) Initiate or cause to be initiated a review or investigation of any alleged break in security, unauthorized alteration, or improper administration of tests.
Administrative/Regulatory	
HB 1885 (Bell, D.)	Repeals outdated sections of the Code. Deletes references to educational programs that have not been funded and do not exist, and updates language in other sections to conform to current practice.
HB 1939 (Pollard)	Regulations mandated by statute. When a statutory change necessitates a regulatory change, the regulation must be filed with the Registrar of Regulations within 90 days of the law's effective date (for an exempt action) or the Notice of Intended Regulatory Action (NOIRA) must be filed within 120 days of a law's effective date (for a non-exempt action).
HB 2319 (Byron) SB 1382 (Stanley)	State mandates on localities. Requires that the assessment of mandates imposed on local governments currently required of state agencies (in coordination with the Commission on Local Governments) include an estimate of the fiscal impact of such mandates.
Commissions and Studies	
HB 1976 (Greason)	Virginia Council on the Interstate Compact on Educational Opportunity for Military Children. Adds a fifth citizen member to the council, who must be a representative from a military installation.
SB 1054 (Petersen)	Commission on Civics Education. Clarifies that the Commission on Civics Education will continue until July 1, 2012, if the Commission is funded by a separate appropriation in the general appropriation act or funded with nongeneral funds or donations to sustain its work.
SB 1269 (Houck)	Autism Advisory Council. Creates an advisory council in the legislative branch of state government to promote coordination of services and resources among agencies involved in the delivery of services to Virginians with autism spectrum disorders and to increase public awareness of such services and resources. The Council will expire July 1, 2014.
HJ 625 (Bell, R.)	Study of local school divisions' antibullying policies. Requests the Department of Education to: (i) Review and compare antibullying measures in the student codes of conduct from each school division, (ii) Compare existing policies with the Department's model policy for codes of student conduct, (iii) Determine if improvements to existing policies are warranted to combat bullying more effectively in Virginia's public schools.
HJ 646 (Landes)	Study of year-round schools. Requests JLARC to: (i) Review the Board of Education's procedure for approving year-round schools; (ii) Evaluate school divisions' experience with this alternative; (iii) Conduct a comprehensive analysis of each year-round school, including scheduling format, offerings of instructional and extracurricular programs, and the enrollment in the year-round school; (iv) Consider the minimum number of required teaching days or hours that should constitute the length of a school term; (v) Identify and review year-round schools in other states and countries, noting advantages and disadvantages;

	(vi) Ascertain the essential factors that must be considered before implementing year-round schools statewide, including, but not limited to, instructional costs, transportation and special education services, and the need for additional classroom teachers, staff, and support services; (vii) Evaluate the impact of changing the scheduling format on school functions, length of terms, and school breaks; (viii) Consider other issues and matters related to year-round schools as may be deemed necessary to provide feasible and appropriate recommendations.
SJ 308 (Wagner)	Engineering program of study. Requests the Department of Education to establish shared goals for an engineering program of study, and assign a shared responsibility for this program between the existing science, mathematics, and technology disciplines.

If the Governor vetoes or recommends amendments to any of the bills, or to the budget, the General Assembly will take action during the April 6, 2011, veto session. Unless otherwise noted, all bills passed by the General Assembly and signed by the Governor become law on July 1, 2011. The amended budget becomes effective upon passage, pursuant to §1-214, *Code of Virginia*.

Dr. McLaughlin made a motion to accept this report. The motion was seconded by Mrs. Castro and carried unanimously.

DISCUSSION OF CURRENT ISSUES

The Board met for dinner at the Crowne Plaza Hotel with the following members present: Mrs. Beamer, Dr. Cannaday, Mrs. Castro, Mr. Foster, Mr. Johnson, Dr. McLaughlin, Mrs. Saslaw, and Mrs. Sears. A brief discussion took place about general Board business. No votes were taken, and the dinner meeting ended at 8:30 p.m.

ADJOURNMENT

There being no further business of the Board of Education and Board of Career and Technical Education, Mrs. Saslaw adjourned the meeting at 1:02 p.m.

President